

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

In re:

RICHARD T. BRUNSMAN, JR.

Debtor.

: Chapter 11
: Case No. 10-11371
: Judge J. Vincent Aug

HARMONY PARK LLC.

Debtor

: Chapter 11
: Case No. 10-11566
: Judge J. Vincent Aug

RBDB INVESTMENTS LLC

Debtor

: Chapter 11
: Case No. 10-11748
: Judge J. Vincent Aug

**MOTION FOR ENTRY OF AN ORDER DIRECTING
JOINT ADMINISTRATION OF DEBTORS' CHAPTER 11 CASES**

Debtors Richard T. Brunsman, Jr. ("Brunsman"), Harmony Park LLC ("Harmony"), and RBDB Investments LLC ("RBDB") (collectively "Debtors") move this Court ("Motion") under Bankruptcy Rule 1015(b) for entry of an order ("Order"), in the form attached as **Exhibit A**, granting joint administration of their respective chapter 11 cases (collectively "Chapter 11 Cases"). In support of this Motion, Debtors state:

JURISDICTION

1. This Court has jurisdiction under 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue of this proceeding and this Motion is proper under 28 U.S.C. §§ 1408 and 1409.
2. The statutory basis for the requested relief is Bankruptcy Rule 1015(b).

BACKGROUND

3. Debtors commenced the Chapter 11 Cases by filing voluntary petitions for relief under Chapter 11 of the Bankruptcy Code on March 5 (Brunsman), March 12 (Harmony) and March 19, 2010 (RBDB).

4. Debtors are operating their businesses and managing their affairs as debtors-in-possession. No creditors' committee, trustee or examiner has been appointed in any of these Chapter 11 Cases.

5. Brunsman is an individual who owns 100% of Harmony. Harmony owns 9.1827 acres of commercial development property in Cleves, Ohio.

6. Brunsman also owns a majority interest in RBDB, including a 90% interest in RBDB's Vista View project, 100% interest in 409 and 413 North Finley Street, Cleves, Ohio, 50% interest in the 12 unit apartment building at 2500 Ridge Avenue, Cincinnati, Ohio, and 100% interest in 47.482 acres of unimproved commercial property in Cleves, Ohio.

7. The 47.482 acres of commercial property owned by RBDB and the 9.1827 acres of commercial property owned by Harmony Park are adjacent to each other and comprise parts of the same overall development.

8. The sale of Harmony and RBDB properties should result in substantial net proceeds, after the payment of all purchase money mortgage loans. These proceeds should be available to Brunsman and ultimately available for distribution to Brunsman's creditors.

9. In some instances, creditors have obtained cognovit judgments against both Brunsman and RBDB. To the extent those judgments have been certified as judgment liens, such liens constitute preferential transfers which need to be avoided.

10. The administration of these three Debtors' cases on a joint basis will provide a more coordinated approach to marketing and selling the properties, and equitably distributing the net proceeds among creditors, in accordance with the priority of their claims.

11. If a trustee is appointed, it should be the same trustee for all Debtors, which is permissible under Bankruptcy Rule 2009(c)(2).

RELIEF REQUESTED

12. In order to optimally and economically administer the Debtors' pending Chapter 11 Cases, they should be jointly administered, for procedural purposes only, under the case number assigned to Brunsman, which is the oldest pending case.

13. Bankruptcy Rule 1015(b) provides that: "(i)f...two or more petitions are pending in the same court by or against...(4) a debtor and an affiliate, the court may order a joint administration of the estates."

14. Many of the motions, hearings, and orders that will arise in these Chapter 11 Cases will jointly affect Debtors. By jointly administering these Chapter 11 Cases, Debtors will be able to reduce fees and costs resulting from the administration of these cases and ease the administrative burden of having to file multiple and duplicative documents.

15. The rights of Debtors' respective creditors will not be adversely affected by the joint administration of these Chapter 11 Cases because this Motion requests only administrative, not substantive, consolidation of the estates. For example, any creditor may still file a claim against a particular Debtor or its estate, or multiple Debtors and their respective estates. Debtors' creditors will benefit from the reduced costs resulting from joint administration. This Court also will be relieved of the burden of entering duplicative orders and maintaining

duplicative files. Finally, supervision of the administrative aspects of these Chapter 11 Cases by the Office of the United States Trustee will be simplified.

16. Based on the foregoing, the joint administration of these Chapter 11 Cases is in the best interest of Debtors, their creditors and all parties-in-interest. Accordingly, Debtors request that the caption of these Chapter 11 Cases be modified to reflect the joint administration of such cases, as follows:

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

IN RE:	:	Chapter 11
	:	
RICHARD T. BRUNSMAN, JR., et al. ¹	:	Case No: 10-11371
	:	(Jointly Administered)
Debtor	:	
	:	Judge J. Vincent Aug, Jr.
	:	

¹Debtors in these Chapter 11 cases are: Richard T. Brunsman, Jr., Harmony Park LLC, and RBDB Investments LLC.

17. Debtors also request that a docket entry be made in each of the above-captioned cases substantially as follows:

An order has been entered in this case directing the procedural consolidation and joint administration of the chapter 11 cases commenced by Richard T. Brunsman, Jr. and the other above-captioned debtors. The docket in Case 10-11371 should be consulted for all matters affecting the above listed cases.

18. Debtors also seek authority to file monthly operating reports required by the Operating Guidelines and Financial Reporting Requirements promulgated by the U.S. Trustee on a consolidated basis if Debtors determine, after consultation with the U.S. Trustee, that filing consolidated reports promotes administrative efficiency without prejudice to parties in interest.

WAIVER OF MEMORANDUM OF LAW

19. This Motion includes citations to and a discussion of the applicable authorities. Accordingly, Debtors respectfully submit that such citations and discussion satisfy the requirement that Debtors submit a separate memorandum of law in support of this Motion pursuant to Local Bankruptcy Rule 9013-1(a).

NOTICE

20. No trustee, examiner or creditors' committee has been appointed in these Chapter 11 Cases. Debtors have provided notice of this Motion to: (i) the Office of the United States Trustee for the Southern District of Ohio; (ii) the creditors listed on Brunsman's list of twenty largest unsecured creditors, as filed with the chapter 11 petition; (iii) all parties asserting a security interest or mortgage in the assets of Debtors to the extent reasonably known to Debtors; and (iv) all parties who have entered a notice of appearance in these Chapter 11 Cases. In light of the nature of the relief requested, Debtors submit that no further notice is required or needed under the circumstances.

NO PRIOR REQUEST

21. No prior motion for relief requested herein has been made to this Court or any other court.

WHEREFORE, Debtors respectfully request that this Court enter an order, substantially in the form attached hereto as **Exhibit A**, (i) authorizing the joint administration of these Chapter 11 Cases under the case number assigned to Brunsman, and (ii) granting such other relief as this Court deems appropriate.

March 19, 2010

Respectfully submitted,

/s/ Charles M. Meyer
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Jr., Harmony Park LLC and RBDB
Investments LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served this 19th day of March, 2010, electronically, or by ordinary U.S. Mail, postage prepaid, upon those individuals and entities identified on the Creditor Matrix.

/s/ Charles M. Meyer
Charles M. Meyer